

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

SEBASTIAN SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-11-1413-F
	)	
KATRYNA FRECH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

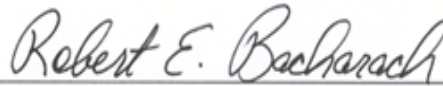
**REPORT AND RECOMMENDATION**

In this civil rights action, the Defendants moved for dismissal or summary judgment. In part, the Defendants argued that the Plaintiff had failed to exhaust available administrative remedies. Doc. 15 at pp. 13-15. The Plaintiff agreed and moved for voluntary dismissal without prejudice. Through the Court Clerk's office, the Defendants consented to voluntary dismissal. In light of this consent, the Court should grant the Plaintiff's motion and voluntarily dismiss the action without prejudice to refile. *See* Fed. R. Civ. P. 41(a)(2).

The parties can object to this report by filing an objection with the Clerk of this Court by April 30, 2012. *See* Fed. R. Civ. P. 6(d), 72(b)(2); 28 U.S.C. § 636(b)(1). The failure to timely object would foreclose appellate review of the suggested ruling. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

The present report discharges the referral.

Entered this 13th day of April, 2012.

A handwritten signature in cursive script, reading "Robert E. Bacharach". The signature is written in dark ink and is positioned above a horizontal line.

Robert E. Bacharach  
United States Magistrate Judge